STATUTORY RULES OF NORTHERN IRELAND

2006 No. 75

EMPLOYMENT

Employment Rights (Increase of Limits) Order (Northern Ireland) 2006

Made - - - -	*1st March 2006*
Coming into operation	*26th March 2006*

The Department for Employment and Learning(**1**) makes the following Order in exercise of the powers conferred by Articles 33(1) to (4) and 39(3) of the Employment Relations (Northern Ireland) Order 1999(**2**) and now vested in it(**3**):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Increase of Limits) Order (Northern Ireland) 2006 and shall come into operation on 26 March 2006.

(2) In this Order —

(a) "the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995(**4**);

(b) "the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**5**); and

(c) "the 1999 Order" means the Employment Relations (Northern Ireland) Order 1999.

Revocation

2. Subject to Article 4, the Employment Rights (Increase of Limits) Order (Northern Ireland) 2005(**6**) is revoked.

(**1**) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(**2**) S.I.1999/2790 (N.I. 9)

(**3**) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Employment Relations (Northern Ireland) Order 1999 to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning

(**4**) S.I. 1995/1980 (N.I. 12)

(**5**) S.I. 1996/1919 (N.I. 16)

(**6**) S.R. 2005 No. 12

Increase of limits

3. Subject to Article 4, each of the limits referred to in the first and second columns of the Table in the Schedule to this Order is increased by the substitution, in place of the old amount specified in the third column, of the new amount specified in the fourth column.

Transitional provisions

4.—(1) The increases provided for in Article 3 have effect in any case where the appropriate date falls on or after 26 March 2006.

(2) In a case where the appropriate date falls before 26 March 2006, the limits having effect in relation to the case immediately before 26 March 2006 continue to apply as if this Order had not been made.

(3) In this Article "the appropriate date" means —

(a) in the case of an application made under Article 34(**7**) of the 1995 Order (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant's right;

(b) in the case of a complaint presented under Article 44C of the 1995 Order(**8**) (failure by an employer to consult with a trade union on training matters), the date of the alleged failure;

(c) in the case of a complaint presented under Article 28(1)(a) of the 1996 Order (refusal of employment on grounds related to union membership) or Article 28(1)(b) of that Order (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined by Article 28 of that Order;

(d) in the case of a complaint presented under Article 77A of the 1996 Order(**9**) (inducements relating to union membership or activities) or under Article 77B of the 1996 Order(**10**) (inducements relating to collective bargaining), the date of the offer made by the employer that is the subject of the worker's complaint;

(e) in the case of an application made under Article 40(2) of the 1995 Order (compensation for expulsion from a trade union), the date of the expulsion from the union;

(f) in the case of a complaint presented under paragraph 156 of Schedule 1A to the 1995 Order(**11**) (compensation for a detriment that is the termination of a worker's contract not constituting a contract of employment), the date of the termination;

(g) in the case of a guarantee payment to which an employee is entitled under Article 60 of the 1996 Order, the day in respect of which the payment is due;

(h) in the case of a complaint presented under Article 145 of the 1996 Order (complaints of unfair dismissal), for the purpose of calculating under Article 152 of that Order the basic award or compensatory award, the effective date of termination as defined by Article 129 of that Order;

(i) in the case of an award under Article 151(1) or (3) of the 1996 Order(**12**), where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order of reinstatement (specified under Article 148(2)(c)

(**7**) As amended by Articles 23(1) and 158(1) of the Employment Rights (Northern Ireland) Order 1996.
(**8**) Article 44C was inserted by Article 7 of the Employment Relations (Northern Ireland) Order 1999.
(**9**) Article 77A was inserted by Article 14 of the Employment Relations (Northern Ireland) Order 2004 (S.I. 2004/3078 (N.I. 19)).
(**10**) Article 77B was inserted by Article 14 of the Employment Relations (Northern Ireland) Order 2004.
(**11**) Schedule 1A was inserted by Articles 3(1) and (3) and Schedule 1 of the Employment Relations (Northern Ireland) Order 1999.
(**12**) Article 151(3) was amended by the Employment Relations (Northern Ireland) Order 1999, Article 32(2).

of the 1996 Order) or, as the case may be, re-engagement (specified under Article 149(2)(f) of that Order) should have been complied with;

(j) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(a) of the 1996 Order (dismissal by reason of redundancy), the relevant date as defined by Article 180 of that Order;

(k) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(b) of the 1996 Order (lay-off or short-time), the relevant date as defined by Article 188 of that Order;

(l) in the case of entitlement to a payment under Article 227 of the 1996 Order (payments by the Department), the appropriate date as defined by Article 230 of that Order;

(m) in the case of a complaint presented under section 24 of the National Minimum Wage Act 1998(**13**) (compensation for a detriment that is the termination of a worker's contract or arrangements not constituting a contract of employment), the date of the termination;

(n) in the case of a complaint presented under Article 13(1) of the 1999 Order(**14**) (failure or threatened failure to allow worker to be accompanied at disciplinary or grievance hearing, to allow companion to address hearing or confer with worker, or to postpone hearing), the date of the failure or threat;

(o) in the case of an award made under Article 27 of the Employment (Northern Ireland) Order 2003(**15**) (duty to give a written statement of initial employment particulars or of particulars of change), the date the proceedings to which Article 27 of that Order applies were begun; and

(4) in the case of a complaint presented under Regulation 15 of the Flexible Working (Procedural Requirements) Regulations (Northern Ireland) 2003(**16**) (failure or threatened failure to allow employee to be accompanied at meeting or to postpone meeting), the date of the failure or threat.

Sealed with the Official Seal of the Department for Employment and Learning on 1st March 2006

D.S.S. McAuley
A senior officer of the
Department for Employment and Learning

(**13**) 1998 c. 39.
(**14**) Article 13(1) was amended by the Employment Relations (Northern Ireland) Order 2004, Article 18(2)
(**15**) S.I. 2003/2902 (N.I. 15)
(**16**) S.R. 2003 No. 173